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11 Attorneys for Receiver

12 **ROBB EVANS OF ROBB EVANS & ASSOCIATES**
13 **LLC**

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

17 FEDERAL TRADE COMMISSION,

18 Plaintiff,

19 v.

20 JEREMY JOHNSON, etc., et al.,

21 Defendants.
22
23
24
25
26

Case No. 2:10-CV-02203-MMD-GWF

**STIPULATION TO CONTINUE
HEARING ON ORDER TO SHOW
CAUSE RE CONTEMPT AS TO SHANE
SCOTT; AND ORDER THEREON**

Hearing Presently Set for:

Date: January 5, 2015

Time: 1:30 p.m.

Place: 333 Las Vegas Blvd. South
Las Vegas, NV 89101

Ctrm: TBD

1 This Stipulation to Continue Hearing on Order to Show Cause re Contempt as to Shane
2 Scott ("Stipulation") is made by and between Robb Evans of Robb Evans & Associates LLC
3 ("Receiver"), the Receiver appointed pursuant to the Court's Preliminary Injunction Order issued
4 February 10, 2011 ("Preliminary Injunction"), and Shane Scott, by and through their respective
5 counsel, in reference to the following:

6 A. Based on a motion by the Receiver (Doc. No. 1459), the Court previously issued
7 an order to show cause as to why Duane Fielding ("Fielding") and Shane Scott ("Scott") should
8 not be held in contempt of Court (Doc. No. 1468) for violation of the Court's Preliminary
9 Injunction Order (Doc. No. 130) and the Clarifying Order (Doc. No. 897/900). The hearing on
10 the contempt was continued from time to time by the Court, and the Receiver and Fielding
11 reached a consensual resolution of the contempt as to Fielding based on a written agreement
12 approved by the Court and an order issued by the Court discharging the contempt as to Fielding
13 only. Doc. Nos. 1529, 1537, 1538, 1555 and 1557.

14 B. The continued hearing on the Order to Show Cause re Contempt as to Shane Scott
15 ("OSC") is presently scheduled to be conducted at 1:30 p.m. on January 5, 2015 pursuant to the
16 Court's order issued November 6, 2014 (Doc. No. 1551) granting a motion for continuance of the
17 hearing as to Scott (Doc. No. 1548) filed by Michael Studebaker and the Studebaker Law Office,
18 L.L.C. (individually and collectively "Studebaker") as counsel.

19 C. The Receiver has issued a demand letter to Studebaker ("Receiver's demand")
20 setting forth why Studebaker is liable to the receivership estate for damages resulting from the
21 destruction of the R22 Helicopter and the R44 Helicopter, as defined in the Receiver's motion for
22 issuance of the OSC based on various acts and omissions of Studebaker in connection with his
23 representation of interested parties in this case and facts and circumstances relating to the claims
24 by the Receiver giving rise to the OSC as to Scott. The Receiver's demand was issued based in
25 part on the Declaration of Duane Fielding given to the Receiver in connection with the resolution
26 of the Court's order to show cause as to why Duane Fielding should not be held in contempt of
27 Court.

28 D. Studebaker has advised the Receiver that the Receiver's demand has been

1 submitted to the malpractice insurance carrier ("insurer") for Studebaker and that the demand is
2 still under review by the insurer, and Studebaker has declined to address the Receiver's demand
3 prior to the insurer's response.

4 E. The response of the insurer to the Receiver's demand against Studebaker and
5 Studebaker's response to the demand may have a material impact on the resolution of the OSC
6 against Scott.

7 F. The Receiver believes it is in the best interests of the receivership estate to
8 continue the OSC hearing against Scott pending a response by the insurer to the Receiver's
9 demand against Studebaker and a response by Studebaker to the Receiver's demand to avoid the
10 estate incurring attorneys' fees and expenses in connection with the OSC until the insurer and
11 Studebaker have reached a determination regarding the Receiver's demand. Scott agrees to a
12 continuance of the OSC to avoid the necessity of his appearing personally at the hearing on
13 January 5, 2015 and incurring potential attorneys' fees and costs in connection with such
14 appearance if the OSC as to Scott can be resolved without the necessity of Court intervention.

15 G. In light of the foregoing, the Receiver, Scott and Studebaker have agreed that the
16 hearing on the OSC as to Scott should be continued to the first date convenient to the Court's
17 calendar after February 28, 2015.

18 H. The parties further agree that pursuant to this Stipulation, Scott agrees that he shall
19 be bound to personally appear at the continued hearing on the OSC as to Scott without further
20 notice to him by the Receiver and without the Receiver personally serving him with any order
21 issued continuing the hearing on the OSC as to Scott based on this Stipulation.

22 NOW, THEREFORE, in consideration of the foregoing, and for the reasons set forth
23 herein, the parties to this Stipulation hereby agree as follows:

24 1. The hearing on the OSC as to Scott shall be continued to the first date convenient
25 to the Court's calendar after February 28, 2015.

26 2. Scott shall personally appear at the date set for the continued hearing on the OSC
27 as to Scott based on notice of the continued hearing date and the Order continuing the OSC as to
28 Scott issued by the Court and served on Studebaker through the Court's electronic ECF/NEF

1 service without the necessity of the Receiver serving Scott with a notice of the continued hearing
2 or of such Order by personal service or otherwise.

3
4 Dated: December 18, 2014

RANDOLPH L. HOWARD
KOLESAR & LEATHAM, CHTD.

6 MCKENNA LONG & ALDRIDGE LLP
7 GARY OWEN CARIS
8 LESLEY ANNE HAWES

9 By: /s/ Gary Owen Caris

10 Gary Owen Caris
11 Attorneys for Receiver
12 **ROBB EVANS OF ROBB EVANS &
ASSOCIATES LLC**

13 Dated: December 18, 2014

STUDEBAKER LAW OFFICE

14
15 By: /s/ Michael P. Studebaker

16 Michael P. Studebaker
17 Attorneys for Shane Scott, Rotortrends, Inc.,
18 and iPrerogative, LLC

19 IT IS SO ORDERED.

20
21
22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 S. Grand Avenue, Suite 1400, Los Angeles, CA 90071.

On December 18, 2014, I served the **STIPULATION TO CONTINUE HEARING ON ORDER TO SHOW CAUSE RE CONTEMPT AS TO SHANE SCOTT; AND ORDER THEREON** upon the parties and/or counsel listed and by the methods indicated on the attached Service List.

I declare upon the penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on December 18, 2014 at Los Angeles, California.

/s/ Christina O'Meara
Christina O'Meara

SERVICE LIST

The following CM/ECF participants were served by electronic means on December 18, 2014:

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6 The following non-CM/ECF participants were served by first-class mail, postage prepaid

7 on December 18, 2014:

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22 **INTERESTED PARTY – BY FEDERAL
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Attorneys for Receiver

**ROBB EVANS OF ROBB EVANS & ASSOCIATES
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

JEREMY JOHNSON, etc., et al.,

Defendants.

Case No. 2:10-CV-02203-MMD-GWF

**[PROPOSED] ORDER CONTINUING
HEARING ON ORDER TO SHOW
CAUSE RE CONTEMPT AS TO SHANE
SCOTT PURSUANT TO STIPULATION**

Hearing Presently Set for:

Date: January 5, 2015
Time: 1:30 p.m.
Place: 333 Las Vegas Blvd. South
Las Vegas, NV 89101
Ctrm: TBD

1 The Court having reviewed and approved the Stipulation to Continue Hearing on Order to
2 Show Cause re Contempt as to Shane Scott ("Stipulation") made by and between Robb Evans of
3 Robb Evans & Associates LLC ("Receiver"), the Receiver appointed pursuant to the Court's
4 Preliminary Injunction Order issued February 10, 2011 ("Preliminary Injunction"), and Shane
5 Scott, and good cause appearing therefor,

6 IT IS ORDERED that the hearing on the Order to Show Cause as to why Shane Scott
7 should not be held in contempt of Court which is presently scheduled to be conducted at 1:30
8 p.m. on January 5, 2015 shall be and is hereby continued to April 9, 2015 at 10:00 AM 1. to
9 be held in a courtroom to be determined.

10
11 Dated: 12/18/2014



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 S. Grand Avenue, Suite 1400, Los Angeles, CA 90071.

On December 18, 2014, I served the **[PROPOSED] ORDER CONTINUING HEARING ON ORDER TO SHOW CAUSE RE CONTEMPT AS TO SHANE SCOTT PURSUANT TO STIPULATION** upon the parties and/or counsel listed and by the methods indicated on the attached Service List.

I declare upon the penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on December 18, 2014 at Los Angeles, California.

/s/ Christina O'Meara
Christina O'Meara

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22 **INTERESTED PARTY -- BY FEDERAL**
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